

FILED

May 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. Da 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff, Appellant, and Cross-Appellee,

v.

BNSF RAILWAY COMPANY,

Defendant, Appellee, and Cross-Appellant.

ORDER

Upon the unopposed motion of the Appellee and Cross-Appellant, BNSF Railway Company,


IT IS ORDERED that BNSF's motion for leave to file an overlength brief is GRANTED IN PART. BNSF's combined answer and cross-appeal brief shall be no more than 12,500 words.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 12th day of May, 2010.

For the Court,

By


Chief Justice